

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 03-3249

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Jerome Perry Hearne,

Appellant,

v.

W. I. LeBlanc, Sued as W. LeBlanc,  
Jr., Warden; United States of America,

Appellees.

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Appeal from the United States  
District Court for the  
District of Minnesota.

[UNPUBLISHED]

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Submitted: July 30, 2004  
Filed: August 5, 2004

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Before MELLOY, LAY, and COLLOTON, Circuit Judges.

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PER CURIAM.

Federal inmate Jerome Perry Hearne appeals the district court's<sup>1</sup> order dismissing his 28 U.S.C. § 2241 petition. The district court found Hearne's inability to file a successive 28 U.S.C. § 2255 motion did not make section 2255 inadequate or ineffective to test the legality of his sentence, and we agree. See Hill v. Morrison, 349 F.3d 1089, 1091 (8th Cir. 2003) (prisoner has burden of demonstrating § 2255

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<sup>1</sup>The Honorable David S. Doty, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Arthur J. Boylan, United States Magistrate Judge for the District of Minnesota.

relief in the sentencing court would be inadequate or ineffective; § 2241 relief is not available merely because prisoner faces substantive or procedural barrier to § 2255 relief). Accordingly, we affirm the judgment of the district court. See 8th Cir. R. 47B. We deny as moot Hearne's motion for an expedited ruling.

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